



06/01/2019

PRESS RELEASE

Re: Call on Turkish Government to end the violations of right to travel and cancellations of passports

Turkish Justice Minister on January 18, 2019 declared that more than 500,000 people have been investigated and arrested on terror and coup linked charges. Turkey deliberately violates the domestic legislation and the international agreements. Specifically, the freedom to travel has been protected by many international documents including Article 13 of the Universal Declaration of Human Rights, Article 12 of the International Covenant on Civil and Political Rights, Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Article 10 of the Convention on Rights of Child, Article 8 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 4th Protocol of the European Convention on Human Rights (ECHR). Article 23 of the Constitution of the Republic of Turkey provides that; “Everyone has the right to freedom of residence and travel...Freedom of travel may be restricted by law for the purpose of investigation and prosecution of an offense, and prevention of offenses. A citizen’s freedom to leave the country may be restricted only by the decision of a judge based on a criminal investigation or prosecution. Citizens shall not be deported, or deprived of their right of entry into the homeland.”

The passport application of Dr. Haluk Asuman SAVAS, who wants to be treated abroad for his cancer which relapsed twice, has been denied with the accusation of being dismissed from his job and his passport was cancelled with a statutory decree although he has been acquitted for the accusation of being member of a terrorist organization and although the court, where he was being prosecuted, cancelled his travel ban. Upon the public criticism, on 5/15/2019, the Adana Governorship stated “The mentioned person’s legal situation, health condition, application and documents, the authority, which has been used for several people in crucial and rare cases, has been reported to be evaluated by the Internal Affairs Ministry with the document number 17480 and date of 5/14/2019 and will be processed upon the response of the ministry. On 5/16/2019, in the additional press statement it was declared “Upon the evaluations on the mentioned person, a passport will be assigned by using the 22nd article of the 5682

numbered passport law which is used in crucial conditions” and made it clear that he would be able to benefit from this legal right and the passport cancellation process should be denied.

Prof Savas was given his passport within an exceptional authority used for limited and exclusive number of people. However, it is known that there are hundreds of thousands of people whose passports are cancelled with the statutory decree of state of emergency and people whose right to travel is denied. According to the notification with the date 8/5/2019 of the Internal Affairs Ministry “The paraphrases on the passports of 155,350 people, which are determined to be paraphrased for the investigations on the owners’ spouses even though there is no juridical or executive process by the General Administration of Registration and Citizenship and the Police Department, has been cancelled on 7/25/2019.” In addition, in the notification with the date 3/1/2019, it is stated that “Upon the investigation and search made by our ministry, the restricted passports of 155,350 people which were blocked previously have been activated and in addition to this, the passports of 57,191 other people have been activated as well. Thus, so far, in total, passports of 212,541 people have been activated by cancelling the executive limitations on them by our ministry.”

In consideration of the evaluations above, AST is calling the Turkish Government to end the aforesaid violations caused by the executive limitations which are clearly illegal.

In order for the state not to have more responsibilities by the international agreements and not to face sanctions;

- *implementation of executive limitation, which is against the international agreements and the constitution, should be ended.*
- *within the responsibilities brought by the international agreements necessary regulations should be implemented and tracked effective immediately for the civil servants.*



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Spokesperson